

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KENNETH M. KEY, )  
Plaintiff, )  
v. ) Case No. 04-277-CJP  
STEVEN KEIM, )  
Defendant. )

**ORDER**

**PROUD, Magistrate Judge:**

Before the Court is plaintiff's Motion for an Order Compelling Discovery. (**Doc. 36**).

Defendant has filed a response at **Doc. 38**.

Plaintiff seeks an order compelling Defendant to produce a copy of a document titled "The Chaplaincy Handbook." Plaintiff's first request for production of documents sought all documents which referred to policies regarding religious diets. In response, among other documents, defendant produced Administrative Directive 04.25.101, which refers to the Handbook. Plaintiff argues that defendant should have produced the Handbook itself, and seeks an order compelling production of the Handbook and awarding him \$25.00 for costs.

In response, Defendant states that he has, after research, located a portion of the 1997 version of the Handbook which refers to dietary requirements of the African Hebrew Israelite religion, and has produced same to plaintiff.

Defendant points out that plaintiff did not attempt to informally resolve the issue before filing his motion to compel. Indeed, the motion to compel does not include a certificate of attempt to resolve, as is required by Fed.R.Civ.P. 37(d). The motion must be denied for that

reason.

Upon consideration and for good cause shown, plaintiff's Motion for an Order Compelling Discovery (**Doc. 36**) is **DENIED**.

**IT IS SO ORDERED.**

**DATE: August 14, 2007.**

s/ Clifford J. Proud  
**CLIFFORD J. PROUD**  
**UNITED STATES MAGISTRATE JUDGE**